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GEORGE M. PALMER, and EVALENE R. PALMER, his wife, Lewistown. Maryland

Complainants

VS

ESLI S. CONWAY, Individually and ESLI S. CONWAY, T/A CONWAY ELECTRIC COMPANY, and/or SUTTON CONSTRUCTION COMPANY Rt. 3, Frederick. Maryland Defendant

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND, IN EQUITY.

NO. 19633 EQUITY

DEMURRER TO BILL OF QUIA TIMET

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes E. S. Conway, defendant, and files this his demurrer to plaintiff's complaint and respectfully shows to the court that:

- 1. Complainants are not in actual possession of land defendant is in possession, (as complaint avers) therefore a Bill Quia Timet should not lie by Statute Article 16. Section 128, Annotated Code of Maryland.
- 2. Complaint does not allege any facts to show there is not an adequate remedy at law. Defendant is in possession of land, (as complaint avers), and there is an adequate remedy at law to oust defendant. Therefore, equity jurisdiction is insufficient to substain complaint.
- 3. Defendant has secured a Special Warrent from the Commissioner of Land Office of the State of Maryland, which is pending and therefore defendant requests Court to preclude his answering complaint at this time. A copy of said warrant is attached hereto.

WHEREFORE, defendant prays that this demurrer be inquired into, sustained and the prayers and complaint and petition be stricken and said complaint and petition be dismissed with all costs charged to plaintiff.

> E. S. Conway Defendant In Person Lakeview Route 3 Frederick, Maryland

ESC/jk